FBI Sifted Trash, Tapped Phones of Lawyers Guild

By Susanna McBee
Washington Post Staff Writer

As part of its many-faceted fight against dissenters during the Cold War, the FBI rummaged through the trash and tapped the telephones of the National Lawyers Guild, according to newly released internal bureau memos.

The guild, which now handles civil rights and labor law cases, was best known for representing leftists in the 1940s and 1950s.

The FBI documents show the bureau apparently was tapping guild telephones in November, 1947, the same month FBI Director J. Edgar Hoover publicly denied that bureau agents were tapping phones in the course of investigating allegedly disloyal government employees.

The memos were made public yesterday by the guild, which has charged in a lawsuit that the FBI and other government agencies spied on it and tried to harass and discredit its members. In the course of the suit, filed in March in a New York federal court, the FBI was required to turn over 21,000 pages of files to the guild.

The bureau and the guild are longtime adversaries. Hoover tried to persuade several attorneys general in the late 1940s and early 1950s that the guild should be put on the Justice Department's Subversive Organizations List.

The guild, which liberals and leftists formed in 1937 as a lawyers' alternative to the American Bar Association, charged in January, 1950, that the bureau was violating federal law

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by using information obtained by wiretaps, opening private mail without a search warrant and searching homes without a warrant.

"On a strict numerical basis, the FBI may commit more federal crimes than it ever detects," the guild said then. Similar charges have been made by the Socialist Workers Party, a Trotskyite group which the FBI pursued for 38 years, until last September, without producing any evidence of wrongdoing by the party or its members.

The lawyers guild was cited as a Communist-front organization in 1944 by the old House Un-American Activities Committee, and in August, 1953, at the urging of Hoover, Attorney General Herbert Brownell Jr. notified the guild that he was starting procedures to put it on the subversive list.

Such a listing would have stigmatized the members and kept them from government employment.

Hoover, informed a week in advance of Brownell's intention, said in a handwritten note added to an internal bureau memo dated Aug. 19, 1953, "I will believe it when I actually see its designation as subversive. The Dept. has hedged on this for years."

Hoover was prophetic. In 1958 Attorney General William P. Rogers disclosed he was dropping the department's effort to list the guild, which had filed suit in a federal court here to prevent the listing. The list itself was abolished in 1974.

Victor Rabinowitz, a New York lawyer and one of the guild's original members, said yesterday the organization was attacked by Hoover and HUAC because guild lawyers represented "alleged Communists and spies in nearly every important trial during the '40s and early '50s."

The National Emergency Civil Liberties Foundation, a New York-based, tax-exempt organization that filed the guild's suit, said it had analyzed 4,500 pages of the FBI documents. The suit seeks damages of more than $20 million.

"Even though heavily delted by the bureau, [they] provide ample evidence of the bureau's early campaign to silence criticisms of itself by the guild," the foundation said.

An FBI spokesman said that since the case is being litigated, the bureau would have no comment.

The guild released only 48 FBI documents yesterday. The first, written sometime in 1943, noted that the guild's Baltimore chapter had about 40 members "a large majority of which are colored and the remainder are of Jewish descent. In the last document, dated Sept. 11, 1958, Hoover advised the Justice Department that despite its decision not to list the guild as subversive, the bureau would continue to investigate guild members who sought government jobs.

The bureau is belived to be no longer investigating the guild, which claims more than 5,000 members.

An Aug. 14, 1950, memo from the Washington, field office advised Hoover that a "trash cover" maintained on the home here of the guild's executive secretary, Robert J. Silberstein, had been "unproductive until July, 1950, when it was observed that Silberstein was apparently cleaning out the files" of the guild.

The memo did not say what was obtained other than "copies of correspondence and statements by the guild." An Oct. 4, 1951 memo to Hoover said that a search of trash at the Washington offices of guild lawyers Joseph Forer and David Rein had uncovered a draft resolution uring President Truman to authorize a citizens' investigation of the FBI because of its alleged excesses in loyalty checks.

The resolution came up later that month at a guild convention in Chicago. In an "urgent" message Oct. 6, 1951, to the FBI's Boston, New York, and Chicago offices, Hoover ordered them to arrange for an informer to attend the convention for the bureau.

Other documents show that the informer, designated BOS 627, missed the convention's final session when resolutions were debated, and failed to call the bureau's Chicago office at all "because he experienced considerable difficulty in locating closed telephone booths . . ."

The November, 1947, telephone taps were discussed in memos circulated within the bureau that month. One dated Nov. 4 discussed "a verbatim recording of a conversation" between Rein and Silberstein. The next day a meo to Hoover described another conversation between the two guild law-

yers and said, "This information was obtained from the technical surveillance which is maintained on the office of Martin Popper, vice president of the National Lawyers Guild."

The civil liberties foundation said its analysis of the FBI documents showed that the bureau taps on guild phones continued until 1951. It also said, "there is strong evidence that in 1949 the FBI broke into the guild's Washington office three times in order to microfilm the guild's membership list and drafts of another articles which exposed FBI wiretapping." The documents released yesterday contain no support for that charge.